

Comoros (Tier 3)

The Government of Comoros does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Comoros remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking by opening one additional government-run listening center that worked to identify and provide care to victims of crime, which could include trafficking victims. The government also hired additional personnel at the listening centers and continued to fund the salaries of existing personnel. Government officials on Anjouan conducted several anti-trafficking public awareness campaigns, including discouraging certain cultural practices that left children vulnerable to trafficking and conducting home visits to oversee the well-being of hosted children. While the scale of trafficking crimes appeared to be especially limited, nonetheless, the government did not investigate, prosecute, or obtain convictions for any sex trafficking or forced labor crimes. The government lacked formal procedures to identify trafficking victims or refer them to care, and had not identified or referred any trafficking victim to protective services since 2013. Authorities continued to lack an understanding of trafficking, and the government did not provide adequate resources or training to law enforcement officials, including the offices charged with identifying trafficking victims and investigating the crime. The Anti-trafficking Task Force was no longer operational, anti-trafficking public awareness campaigns did not occur on all three islands, and the government had no national action plan.

PRIORITIZED RECOMMENDATIONS:

Significantly increase anti-trafficking training, including victim identification, to all front-line officials, including law enforcement, social workers, health service providers, prosecutors, judges, and civil society. • Develop standard operating procedures for the identification of victims, especially among vulnerable groups, including children in domestic work and at Koranic schools, and a process for victims' subsequent referral to care. • Increase efforts to investigate, prosecute, and convict traffickers, including complicit officials. • Enact comprehensive anti-trafficking legislation that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. • Reinvalidate the coordination committee to drive national anti-trafficking efforts. •

End the practice of returning trafficking victims to their exploiters. • Continue efforts to engage French officials to prevent the trafficking of unaccompanied Comorian youth in Mayotte. • In coordination with local and international partners, improve the provision of protective services to trafficking victims, including providing appropriate care to victims nationwide. • Expand anti-trafficking public awareness campaigns to all three islands. • Develop national level data collection on law enforcement efforts and trafficking victims. • Accede to the 2000 UN TIP Protocol.

PROSECUTION

The government did not make anti-trafficking law enforcement efforts. Comorian law criminalized most forms of human trafficking. Article 13 of the 2014 Law to Combat Child Labor and Trafficking in Children criminalized all forms of child labor trafficking and some forms of child sex trafficking and prescribed penalties of 10 to 20 years' imprisonment and a fine of 30 million Comorian francs (\$70,070). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, Article 13 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense, and therefore did not criminalize all forms of child sex trafficking. However, all forms of child sex trafficking, including those that did not include such means, could be addressed under Article 8, which criminalized child sexual exploitation and prescribed penalties of five to 10 years' imprisonment and a fine of one to two million Comorian francs (\$2,340 to \$4,670); these penalties were also sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Comorian law did not explicitly criminalize adult trafficking. However, Article 323 of the penal code criminalized forced prostitution of adults and prescribed punishments of two to five years' imprisonment and a fine between 150,000 and two million Comorian francs (\$350 to \$4,670); these penalties were sufficiently stringent but not commensurate with those prescribed for other serious crimes, such as rape. Articles 2.1 and 260 of the Comoros Labor Code criminalized forced or compulsory labor of adults and prescribed penalties of three months' to three years' imprisonment or a fine of 250,000 to 750,000 Comorian francs (\$584 to \$1,750), which were not sufficiently stringent. Despite parliamentary approval in 2014, the president did not sign into law the penal code amendments that would specifically prohibit trafficking in persons.

The government did not systematically collect data on law enforcement efforts, including human trafficking. The government did not report investigating, prosecuting, or convicting any traffickers, despite reports that one listening center recorded many cases that may have been trafficking. The government has not reported investigating a trafficker since 2014 and has never reported convicting a trafficker. The government also did not report any investigations, prosecutions, or convictions of government employees allegedly complicit in human trafficking offenses; however, corruption and official complicity in crimes at all levels of government remained significant concerns, inhibiting law enforcement action in previous years. The judicial system in Comoros remained weak and there were reports that criminals were frequently convicted and sentenced, but then released without explanation, creating a culture of impunity. While discouraged by the government, families or village elders continued to settle many allegations of sexual violence, possibly including sex trafficking and child domestic servitude, informally through traditional means, without recourse to the formal court system. While many rural families still preferred informal arrangements with host families, on Anjouan, judicial officials coordinated with prosecutors and a victim care provider to address and discourage the cultural practice of sending children from rural areas to urban host families for access to an education; children in these arrangements were particularly vulnerable to trafficking. These government officials regularly traveled to rural villages on the island to enforce the legal requirement for the child's family to sign an agreement with the host family regarding the care of the child. In previous years, judges were known to negotiate agreements between a child's parents and his or her trafficker, often returning the child to trafficking situations. Some police reportedly returned sexually abused children to their exploiters, sometimes due to a lack of shelters or an alternative form of care.

The police lacked basic resources, including vehicles, fuel, and equipment, which limited their operations. The government did not provide training for law enforcement officials on how to recognize, investigate, and prosecute trafficking and related crimes. The Ministry of Labor's four labor inspectors—responsible, among other things, for implementing the 2015 child labor law prohibiting child trafficking—did not receive training on the trafficking law and did not receive operational resources to conduct labor inspections of informal work sites, where children were especially vulnerable to forced labor. Inspectors did not remove or assist any children as a result of labor inspections during the reporting period. The

absence of a clear understanding of trafficking may have resulted in the misclassification of cases as other crimes, such as child labor, abuse, and rape.

PROTECTION

The government maintained minimal protection efforts. The government did not identify any trafficking victims during the reporting period and has not identified a victim since 2013. The government did not develop or employ systematic procedures to identify trafficking victims or refer them to the limited care available. The government continued to provide financial support and office space to the listening centers, also called Service d'Ecoute, alongside support from an international organization; the listening centers, with assistance from an NGO, offered medical care, psycho-social counseling, and legal assistance mostly to women and children who were victims of abuse and violence, including trafficking victims, if identified. The government opened an additional listening center in Fombouni on Grande Comore, now totaling four locations—two on Grande Comore, one on Anjouan, and one on Moheli. The government continued to provide the salaries for the employees of the listening centers; in 2018, the number of total employees on Grande Comore increased from six to seven, while Anjouan maintained three employees and Moheli maintained one employee. However, the government did not provide anti-trafficking training to any staff of the listening centers. In 2018, the listening center on Grande Comore reported providing medical care for 255 cases of abuse of women and children, compared to 133 in 2017; while the listening center recorded these persons as victims of abuse, because of inadequate training on trafficking victim identification, some of these victims may have actually been trafficking victims. The government did not report assisting in the repatriation of any victims during the reporting period. On all three islands, the listening centers generally coordinated with the Morals and Minors Brigade on cases. Judicial, prosecutorial, and health service officials on Anjouan coordinated efforts to visit host families that had taken in children from rural families to ensure the children were healthy, attending school, and there were no signs of trafficking or abuse; the government did not report finding any cases of trafficking during these inspections. In an effort to investigate, identify, and assist the 3,000 to 4,000 unaccompanied Comorian minors on the island of Mayotte, a French department, the National Human Rights Commission in Comoros requested visas from the French embassy, which France denied. There were no shelters available, for short or long-term use, for adult or child victims. A possible site for a

temporary shelter was identified, but the government did not report making any progress during the reporting period. The Morals and Minors Brigade reported identifying approximately 10 foster homes on Grande Comore, but did not report whether any children were assisted during the reporting period or whether the government provided financial or in-kind assistance to those homes. In the absence of adequate funding and shelter, listening center staff and police sometimes provided temporary shelter in their private homes; however, government officials often returned children to their parents or guardians where they might have originally faced the abuse. There were no reports the government inappropriately penalized victims for crimes traffickers compelled them to commit; however, because there were no standard victim identification procedures, victims may have remained unidentified in the law enforcement system. Despite requirements of the 2015 child labor law, the government did not establish a support fund for children vulnerable to trafficking.

PREVENTION

The government increased efforts to prevent trafficking on one island, but maintained inadequate efforts to prevent trafficking overall. The interagency Anti-trafficking Task Force, comprised of representatives of relevant government agencies, the listening centers, and international organizations, was no longer active. The government did not have an anti-trafficking national action plan. Officials on the island of Anjouan coordinated several anti-trafficking public awareness campaigns, including traveling to rural villages to discourage families from sending their children to host families where they are vulnerable to abuse and domestic servitude. These campaigns included a televised conference, organized by government officials, where a panel of experts discussed abuse and trafficking. Because of the known vulnerability, government officials on the island of Anjouan also visited a number of Koranic schools around the island to discourage leaders from allowing child labor in lieu of payment for school fees. However, despite requirements in the 2015 child labor law, the government did not report any public awareness campaigns being conducted on Grande Comore or Moheli. The government continued to fund toll-free emergency lines for all three islands, which were used to report crimes to the listening centers. The listening centers assisted in the identification of victims of abuse and exploitation; however, the government did not report any further information on the use of these emergency lines during the year.

The government did not have effective policies or laws to govern labor recruiters and did not report holding anyone civilly or criminally liable for fraudulent recruitment during the reporting period. In 2016, the labor ministry signed an agreement with several labor recruitment agencies to facilitate review of the transnational recruitment processes and to monitor job advertisements in an effort to identify recruitment activities that might endanger Comorians seeking overseas employment; however, the government made no efforts to regulate labor recruitment agencies since then. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not make efforts to reduce demand for commercial sex acts or forced labor. Comoros is not a party to the 2000 UN TIP Protocol.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers may exploit domestic and foreign victims in Comoros, and traffickers may exploit victims from the Comoros abroad. Traffickers may subject Comorian women and Malagasy women who transit Comoros to forced labor in the Middle East. Traffickers may subject Comorian women and children to forced labor in Mayotte, a French department. Children on Anjouan, some of whom were abandoned by parents who left to seek economic opportunities in other countries, are vulnerable to forced labor, mostly in domestic service, roadside and market vending, baking, fishing, and agriculture. On Anjouan and Moheli, poor rural families frequently place children with wealthier relatives or acquaintances in urban areas or on Grande Comore for access to schooling and other benefits; these children are vulnerable to domestic servitude and physical and sexual abuse. Most Comorian children aged 3 to 7 (and some as old as age 14) study at informal neighborhood Koranic schools headed by private instructors, where they are vulnerable to exploitation through coercion and forced labor as field hands or domestic servants as payment for instruction and subjected to physical and sexual abuse. The estimated 3,000-4,000 unaccompanied Comorian children on Mayotte, a French department, are especially vulnerable to domestic servitude and sex trafficking. Comorians may be particularly vulnerable to transnational trafficking due to a lack of adequate border controls, corruption within the administration, and the existence of international criminal networks involved in human smuggling.